

## Montana Transportation Commission

March 7, 2005 – Telephone meeting

*Please note:* an audio recording of the meeting is available from the transportation commission secretary at (406) 444-7200 or [ldemont@mt.gov](mailto:ldemont@mt.gov). Alternative accessible formats of this document will be provided upon request. For additional information, please call (406) 444-7200 or visit the commission's web site at [http://www.mdt.state.mt.us/trans\\_comm/](http://www.mdt.state.mt.us/trans_comm/). The TTY number is (406) 444-7696 or 1-800-335-7592.

Note: => indicates follow-up is needed.

The Montana Transportation Commission met via conference call on March 7, 2005. The meeting was called to order by Vice Chair Espy at 10:05 am with the following participants:

Nancy Espy, Transportation Commission Vice Chair, District 4  
Kevin Howlett, District 1 Transportation Commissioner  
Rick Griffith, District 2 Transportation Commissioner  
Deb Kottel, District 3 Transportation Commissioner  
Jim Lynch, MDT Director  
Jim Currie, MDT Deputy Director  
Tim Reardon, MDT Chief Counsel  
Loran Frazier, MDT Acting Chief Engineer  
Mark Wissinger, MDT Construction Engineer  
Gene Kaufman, FHWA Acting Field Operations Engineer  
Loren Brandt, Vice President of Riverside Contracting Inc.  
Lorelle Demont, Commission Secretary

Commission Chairman Bill Kennedy, District 5, joined the call after the meeting had been called to order.

### **Agenda item 1: Accept minutes**

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Commissioner Griffith moved to accept the minutes from the February 24 meeting; Commissioner Kottel seconded the motion. All four commissioners voted aye.

### **Agenda item 2: Award projects from February 24, 2005 letting**

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Commissioner Kennedy joined the meeting. Loran Frazier reviewed staff recommendations (see attached) for the following eight projects:

- Project 2: *Bozeman Area Seismic Retrofit* [IM 0002(508)], *Bozeman – Bear Canyon*, [IM 90-6(90)304] and *MRL Overpass – 7 km East Of Bozeman* [IM 90-6(91)313]
- Project 3: *37 km NW of Terry – North* [STPS 253-1(9)23]
- Project 4: *Ringling – North & South* [STPP 59-2(12)38]
- Project 5: *Pendroy – East & West* [STPS 219-1(2)0]
- Project 6: *Baker – East* [STPP 2-2(29)84]
- Project 7: *Blackfoot R-Helmville* (Phase II) [BR 41-1(19)32], *Clearwater Jct – East* [NH 24-1(59)32], and *Jct Mt 83 – West* [NH 24-1(60)27]
- Project 8: *9 km South of St. Xavier – South* [SFCS 313-1(14)29]
- Project 9: *Jct S 288 – East* [SFCS 347-1(2)0]

Frazier said staff's recommendation was to *not* award project eight, *9 km South of St. Xavier – South*. Staff recommends rebidding the project in May in tandem with a close-by project, *East of Hardin – East*. This option is acceptable to the Crow Tribe.

Loren Brandt said Riverside's bid (\$917,140.30) was based on a \$795,000 cost to do the work; this didn't include any profit. He thought the engineers' estimate – \$699,974.70 – was low. Frazier said the bid and the engineers' estimate were close on all the items except mobilization. Staff reviewed the engineers' estimate closely to see if any adjustments were warranted. Even the highest justifiable engineers' estimate was not close enough to the apparent low bid to bring it within guidelines for award. Brandt said their mobilization would cover tribal fees, overhead, bond, and moving a hot plant and crusher in.

Commissioner Howlett asked about the proposed location of the source material. Frazier said the bid provided for contractor-furnished gravel; at the pre-bid, no tribal sources were offered. Brandt said the source we found was on tribal land about five miles from the project – the project specific agreement referred to the MOU which specified the use of tribal gravel. Commissioner Howlett asked why this wasn't discussed at the pre-bid conference.

Commissioner Espy moved to accept staff recommendations to re-advertise *9 km South of St. Xavier – South* in May tied to *East of Hardin – East*; Commissioner Griffith seconded the motion. All five commissioners voted aye.

Commissioner Howlett asked about the DBE goal on project three. Currie explained that the DBE program is a Federal-aid requirement and every state must have a DBE program that's been approved by Federal Highways. Montana's program is approved. Each year we work with the Montana Contractors' Association to develop a DBE goal. That goal is based on the available qualified DBE firms out there. We can have two different types of goals: race-neutral or race-conscious. A race-neutral goal means we don't assign individual DBE goals on each project but we encourage contractors to use DBE firms to the extent that we meet our overall goal. Our DBE program specifies that if we are not meeting our targeted goal, we move to a race-conscious goal. That means we set a DBE goal for each project. The goal can vary and is determined in part by the location of the project. We were lagging behind in meeting our DBE goal for the year and are now setting race-conscious goals.  
=> It was agreed that more information on the DBE program is needed and will be provided at an upcoming commission meeting.

Commissioner Espy moved to accept staff recommendations to award projects two through seven and project nine; Commissioner Griffith seconded the motion. All five commissioners voted aye.

### **Agenda item 3: Set commission schedule for remainder of 2005**

The following dates have been proposed for the commission's meetings in 2005:

- April 6-7 (Helena)
- May 17-18
- July 27-28
- September 7-8
- November 1-2
- December 7-8

There are two potential conflicts to the proposed schedule:

- Commission Kottel has a prior commitment for a one-hour meeting on May 18 starting at 1:30pm. It was agreed that MDT would provide her a phone so that she could conference in to her meeting, and the commission will have a late lunch to accommodate her attending the ethics committee for the Department of Commerce.
- Commissioner Griffith will be traveling on April 6. It was decided to have the majority of the commission meeting on April 7.

Commissioner Kottel moved to accept the dates; Commissioner Espy seconded the motion. All five commissioners voted aye.

=> Chairman Kennedy invited the commissioners to think about which of those dates they would like to host the meeting in their district, and plan to discuss locations at the April 7 meeting.

The call concluded at 10:37am.

Bill Kennedy, Chairman  
Montana Transportation Commission

Jim Lynch, Director  
Montana Department of Transportation

Lorelle Demont, Secretary  
Montana Transportation Commission

attachment